Supreme Court, U.S.
FILED

(1)

03 467 MAY 27 2003

No. _____

In the Supreme Court of the United States

Mamie L. Edwards, a/k/a
Mamie Lou King and
Leroy King,

Petitioners
Versus
Lynn Gerald, Jr. et al,
Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

PRO SE PETITIONERS
MAMIE LOU EDWARDS KING
AND LEROY KING
936 SAINT LUKE STREET
BAINBRIDGE, GEORGIA 39819
(229) 248-4263

COUNSELS OF RECORDS

150 pp

FEDERAL QUESTIONS

1. HAS THE UNITED STATES COURT OF APPEALS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEALS ON THE SAME IMPORTANT MATTER?

2. HAS THE UNITED STATES COURT OF APPEALS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH A DECISION BY A STATE COURT OF LAST RESORT?

3. HAS THE UNITED STATES COURT OF APPEALS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS?

4. HAS THE UNITED STATES COURT OF APPEALS SANCTIONED SUCH A DEPARTURE BY A LOWER COURT, AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER?

5. HAS THE UNITED STATES COURT OF APPEALS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE, SETLLED BY THIS COURT?

6. HAS THE UNITED STATES COURT OF APPEALS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT?

7. DOES RESPONDENT LINDA R. PRATT, COUNTY COURT JUDGE, IN AN FOR BROWARD COUNTY, STATE OF FLORIDA, UNDER OFFICIAL OFFICE AND UNDER COLOR OF FLORIDA LAW, TO

USURPATED THE STATE OF FLORIDA'S CIRCUIT COURT SOLE JURISDICTION OVER HOMESTEAD EXEMPTION PROPERTY?

8. DOES RESPONDENT LINDA R. PRATT, COUNTY COURT JUDGE, IN AND FOR BROWARD COUNTY, FLORIDAUNDER OFFICIAL OFFICE AND UNDER THE COLOR OF FLORIDA LAW, TO MAKE PETITIONER MAMIE LOU KING, A DEFENDANT IN CASE NUMBER: 98-08383(56) COCE, WHEN PETITIONER WERE NOT A PART OF THE TRANSACTION AND WAS NOT THERE DOING SAME ACTION?

9. DOES RESPONDENT LEON COUNTY, FLORIDA SHERIFF LARRY CAMPBELL, UNDER AND IN OFFICIAL OFFICE AND UNDER THE COLOR OF FLORIDA LAW, DID LEVY ON AND SOLD OUR SON, DEMETRIUS JOHN EDWARDS, SR. PROPERTY IN LEON COUNTY, FLORIDA – TO SATISFIED THE PETITIONERS ALLEGED DEBT – AND OUR SON, NAME IS NOT ON THE WRIT OF EXECUTION?

10. DO RESPONDENT LEE COUNTY, FLORIDA DEPUTY SHERIFF ROAS S. ESTRADA, UNDER AND IN OFFICIAL OFFICE AND UNDER THE COLOR OF FLORIDA LAW, DID LEVIED ON AND SOLD MS. LYNN RILEY'S PROPERTY IN LEE COUNTY, LEHIGH ACRES, FLORIDA, TO SATISFIED THE PETITIONERS ALLEGED DEBT AND MS. LYNN RILEY'S NAME IS NOT ON THE WRIT OF EXECUTION?

11. RESPONDENT ROSA S. ESTRADA, DEPUTY SHERIFF OF LEE COUNTY, FLORIDA, LEVIED ON AND SOLD PETITIONERS RESIDENTIAL

HOMESTEAD EXEMPTED PROPERTY, UNDER AND IN OFFICIAL OFFICE AND UNDER COLOR OF THE STATE OF FLORIDA LAW—UNDER THE SEAL OF THE COUNTY COURT OF LEE COUNTY, STATE OF FLORIDA UNDER DATE OF OCTOBER 29, 1999, HOW SO?

12. WHEN THIS CAUSE NEVER AND/OR EVER BEEN IN LEE COUNTY, COURT IN THE STATE OF FLORIDA – TO BE – UNDER AND BY VIRTUE OF A WRIT OF EXECUTION ISSUED OUT OF AND UNDER THE SEAL OF THE COUNTY COURT OF LEE COUNTY STATE OF FLORIDA, UNDER DATE OF OCTOBER 29, 1999 WHY SO? AND HOW SO?

13. WERE THE WRIT OF EXECUTION, ISSUED OUT AND UNDER THE SEAL OF THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA, CASE NUMBER: 98-08383(56) COCE, WITNESS MY HAND AND THE SEAL OF THIS COURT ON OCT 29 1999?

14. THAN THE FEDERAL QUESTION IS BEGGING FOR HOW THE PETITIONERS HAVE LOST THEIR HOME OWNERS INSURANCE POLICY OF THEIR PROPERTY AT AND OF 2654 SAINT CHARLES STREET, FORT MYERS, FLORIDA 33916 – WHEN COUNTY COURTS IN THE STATE OF FLORIDA DON'T HAVE ANY KIND OF JURISDICTION OVER HOMESTEAD EXEMPTED PROPERTY – AND – THIS CASUE WERE NOT EVER IN LEE COUNTY COURT OF FLORIDA TO SELLED SAME UNDER ITS SEAL?

15. PETITIONERS WERE REQUIRED TO ABIDED BY THE STATE OF FLORIDA STATUTE 624.422 (1)(2)(3) AND WE DID SO – BUT, RESPONDENT TOM GALLAGLER, INSURANCE COMMISSIONER AND

TREASURER DID NOT ADHERE'S TO THE STATE OF FLORIDA STATUTE 624.423(1)(2)(3) – WHY, IS RESPONDENT ABOVE AND BEYOND THE REACH OF GOVERNANCE OF EQUAL LAW?

16. HOW COULD RESPONDENT KENNETH D. EPSTEIN PAY'S $500.00 FOR THE PETITIONERS HOMESTEAD EXEMPTION AT AND OF 2654 SAINT CHARLES, STREET FORT MEYERS, FLORIDA 33901 ON OR ABOUT FEBRUARY 23, 2000 – UNLESS IT WAS UNDER AND IN OFFICIAL OFFICE AND UNDER THE COLOR OF THE STATE OF FLORIDA, CARRIED OUT AND UNDER THE SHERIFF'S OFFICE, WOULD THE HONORABLE COURT AGREE?

17. DID NOT RESPONDENT KENNETH D. EPSTEIN VIOLATED THE STATE OF FLORIDA STATUTE'S 817.41 MISLEADING ADVERTISING PROHIBITED (1) (6) – AND – STATE OF FLORIDA STATUTE 817.411 FALSE INFOMRATION: ADVERTISING. WITH THE VEHICEL BEING A CLASSIC TIFFANY – AND- IN EXCELLENT CONDITION, OF WHICH, THE VEHICLE WAS NEITHER, HOW ABOUT THAT?

18. RESPONDENTS HARRY G. ADAMS, COMMUNITY REDEVELOPMENT AGENCY, HAD A TITLE SEARCH, EXECUTED ON PETITIONER MAMIE LOU EDWARDS PROPERTY – AT AND OF 2730 LIME STREET, FORT MEYERS, FLORIDA 33916 – AND- PAID PETITIONER $9000 FOR HER <u>DUPLEX</u> APPRAISED AT $54,995.00 – THE RESPONDENT WOULD NOT HAVE PAID PETITIONER $9000.00 <u>IF</u> RESPONDENT KENNETH D. EPSTEIN – HAD LEVIED ON THE SAID DUPLEX. WOULD HAVE THE RESPONDENT PAID THE PETITIONER?

19. PETITIONERS GAVED TO RESPONDENTS HARRY G. ADAMS, COMMUNITY REDEVELOPMENT AGENCY THE APPRAISAL DOCUMENT, SHOWING THE PROPERTY AT AND OF 2730 LIME STREET, FORT MEYERS, FLORIDA 33916 – VALUED AT $54,995.00. RESPONDENTS SAID HE WERE NOT GOING TO PAY THAT AND TO TAKE HIS OFFER OR LEAVE IT, HOWEVER, THE RESPONDENTS PAID RESPONDENT KENNETH D. EPSTEIN $5000.00 MORER FOR SAID SAME PROPERTY, NOW THAT'S NOT RIGHT, IS IT?

20. THE RESPONDENTS HARRY G. ADAMS COMMUNITY REDEVELOPMENT AGENCY – USED – EMINENT DOMAIN TO BY PASS THE AGENCY POLICY OR EQUAL REPLACEMENT AND/OR FAIR MARKET PRICE FOR THE PETITONER PROPERTY AT AND OF 2730 LIME STREET, FORT MEYERS, FLORIDA 33916 – THAT IS NOT FAIR IS IT?

21. RESPONDENTS UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY AND WILLIAM ARNIE CLAIM EXAMINER, FULLY KNEW, THAT PETITIONERS PROPERTY AT AND OF 2654 SAINT CHARLES STREET, FORT MEYERS, FLORIDA 33916 – INSURED – BY RESPONDENTS, HAD COMPLETE EXEMPTION OF HOMESTEAD, AND THEREFORE EXEMPT FROM FORCED SALE FOR DEBT; THEREBY KNOWINGLY KNEW, OUR HOME OWNERS POLICY WERE AND STILL IN FORCE, RIGHT?

22. THE RESPONDENTS UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY AND WILLIAM ARNIE, CLAIM EXAMINER GAVE FALSIFIED INFORMATION TO THE DISTRICT

COURT ABOUT PETITIONERS INSUFFICIENT OF SERVICE PROCESS – WHEN PETITIONERS HAD TIMELY PAID TO THE RESPONDENT TOM GALLAGHER, INSURANCE COMMISSIONER AND TRASURER, THE $15.00 AND THE ESSENTIAL COPIES, ON AND IN JULY – AND IN SEPTEMBER RESPONDENTS SAID PETITIONERS DID NOT – WHY SO?

23. RESPONDENT HARRY G. ADAMS, COMMUNITY REDEVELOPMENT AGENCY – DID NOT FILED A TIMELY BRIEF OF APPELLEE, AND DID NOT COMPLIED WITH FRAP 31. 11TH CIR. R. 31-1 (c) MOTION TO CONSOLIDATE APPEALS, PROVIDED THAT SUCH MOTION IS FILED ON OR BEFORE THE DATE THE APPELLANT'S BRIEF IS DUE IN ANY OF THE APPEALS WHICH ARE THE SUBJECT OF SUCH MOTION---WHY THE APPEAL COURT SANCTION OF SUMMARY JUDGMENT FOR RESPONDENTS?

24. RESPONDENTS UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY AND WILLIAM ARNIE, CLAIM EXAMINER HAD SUMMARY JUDGMENT SANCTION BY BOTH COURTS BELOW—WHEN—EACH COURTS AND THE RESPONDENTS FULLY WELL, KNOWINGLY KNEW. YOU CAN NOT HAVE A FORCE SALE OF HOMESTEAD EXEMPT PROPERTY FOR DEBT, IN THE STATE OF FLORIDA AGAINST THE PETITIONERS—WHY THUS?

25. RESPONDENTS STATE OF FLORIDA CIRCUIT COURT JUDGE HON. LYNN GERALD, JR., AND DIANA GOLDEN. DENIED RECEIVING COPY OF COMPLAINT—NOT WITH STANDING—THE RECORD SHOWS THE COURT AND DIANA

GOLDEN, RECEIVED THE COMPLAINT. BECAUSE IT WERE SEND BY FIRST CLASS UNITED STATES CERTIFIED. RETURN RECEIPT MAIL AND THE PETITIONERS TAKEN THE SAME FOR PROOF AND FILED THEIR COMPLAINT INTO THE FEDERAL DISTRICT COURT-WOULD HAVE DONED SO, REDRESS?

26. RESPONDENT RICHARD M. CAPALBO, IS AN OFFICER IN AND OF THE STATE OF FLORIDA COURTS; AND MADED, ALLEGALLY, ABOUT PETITIONER LEROY KING. HE IS A NIT-WIT; HE IS IGNORANT, HE THINKS HE KNOWS LAW. AND I, CAPALBO.GOING TO TEACHES HIM A THING OR TWO, BY TAKING EVERYTHINGS HE HAS. AND RESPONDENT DID SO OF MINE AND OTHERS PERSONS ON TOO. CAN THE RESPONDENT LEGALLY AND MORALLY BE AN EXTORTIONIST?

27. THE PETITIONERS DID RECEIVED-A SAMPLE BRIEF-A SAMPLE REPLY BRIEF-AND-A SAMPLE PETITION FOR REHEARING ENBANC, FROM THE OFFICE OF THE 11TH CIRCUIT CLERK, MS. ELORA JACKSON (404)335-6175—AND—THE 11TH CIRCUIT COURT'S RULES. THE PETITIONERS USED FRAP 45.11TH CIR.R.45-1 CLERK I.O.P (1) NOW, SHOULD, THE PETITIONERS BE PUT TO PUNISHMENT, FOR FOLLOWING THE SAMPLE BRIEF DIRECTION FROM THE CLERK OF COURT OFFICE?

28. THE PETITIONERS HAVE RECEIVED THIS COURT RULES AND HAVE RECEIVED A SAMPLE FORM HOW TO PETITION FOR WRIT OF CERTIORARI; AND THE PETITIONERS ARE FOLLOWING THESE DIRECTION FULLY—AT THE JUDICIAL DISCRETION. WE SHALL NEGATE, RESPONDENT CAPALBO, ALLEGED SAYETH ABOUT SEVENTH

GRADE STOPPOR, PETITIONER LEROY KING, RIGHT?

29. RESPONDENT RICHARD M. CAPALBO, TAKEN OVER A $1000.00 DOLLARS FROM PETITIONER MAMIE LOU KING'S BANK ACCOUNT AND THAT IS NOT RIGHT, IS IT?

CERTIFICATE OF PARTIES AND INTERESTED PERSONS

ALL PARTIES DO NOT APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE. A LIST OF ALL PARTIES TO THE PROCEEDING IN THE COURT WHOSE JUDGMENT IS THE SUBJECT OF THIS PETITION IS AS FOLLOWS:

1. ADAMS.HARRY G., CO-APPELLEE/RESPONDENT
2. ATTORNEY GENERAL'S OFFICE, COUNSEL FOR CO-APPELLEES/RESPONDENTS HONORABLE LYNN GERALD, JR. AND DIANA GOLDEN
3. BROWARD COUNTY COURTHOUSE REGARDING HONORABLE LINDA R. PRATT
4. BUNNELL., WOULFE, KIRSCHBAUM KELLER, MCINTYRE AND GREGOIRE, P.A. COUNSEL FOR CO-APPELLEE/RESPONDENT UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY.
5. CAMPBELL LEON COUNTY. SHERIFF, LARRY, CO-APPELLEE/RESPONDENT
6. CAPALBO, RICHARD M. CO—APPELLEE/RESPONDENT
7. CHEFFER, MIKCHAEL BRIAN, COUNSEL FOR CO-APPELLEES/RESPONDENTS RICHARD M. CAPALBO AND KENNETH D. EPSTEIN
8. CITY OF FORT MYERS, CO—APPELLEE/RESPONDENT
9. COMMUNITY REDEVELOPMENT AGENCY, CO—APPELLEE/RESPONDENT
10. DOYLE, CONAL, COUNSEL FOR CO-APPELLEE/RESPONDENT ROSA S. ESTRADA
11. EDWARDS, MAMIE L. PRO SE COUNSEL FOR APPELLANT/PETITIONER
12. EPSTEIN, KENNETH D. CO—APPELLEE/RESPONDENT

13. ESTRADA, ROSA S. CO—APPELLEE/RESPONDENT
14. FLORIDA SHERIFF'S SELF-INSURANCE FUND
15. FRAZIER, HONORABLE DOUGLAS N., UNITED STATES MAGISTRATE JUDGE OF THE MIDDLE DISTRICT OF FLORIDA, MORT MYERS DIVISION
16. GERALD, JR., HONORABLE LYNN CO—APPELLEE/RESPONDENT
17. GOLDEN, DIANA CO—APPELLEE/RESPONDENT
18. KING, LEROY, PRO SE COUNSEL FOR APPELLANT/PETITIONER
19. KING, MAM;IE LOU EDWARDS APPELLANT/PETITIONER
20. KLEIN, MATTHEW D., COUNSEL FOR CO-APPELLEE/RESPONDENT UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY
21. LAZZARA, HONORABLE RICHARD A. UNITED STATES DISTRICT- JUDGE OF THE MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
22. PIERCE, GERALD W. COUNSEL FOR CO-APPELLEES/RESPONDENTS HARRY G. ADAMS, COMMUNITY REDEVELOPMENT AGENCY
23. PRATT, HONORABLE LINDA R., CO-APPELLEE/RESPONDENT
24. SCRIVEN, HONORABLE MARY S. UNITED STATES MAGISTRATE JUDGE OF THE MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
25. SPENGLER 11. PHILIP JAY. COUNSEL FOR APPELLEES/RESPONDENTS HONORABLE LYNN GERALD, JR.
26. STATE OF FLORIDA INSURANCE COMMISSIONER AND TREASURER, CO—APPELLEE/RESPONDENT
27. STEELE, HONORABLE JOHN E. UNITED STATES DISTRICTG JUDGE OF THE MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

28. UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY, APPELLEE/RESPONDENT
29. WILLIAM ARNIE, CLAIM EXAMINER, APPELLEE/RESPONDENT

SUPREME COURT RULE 29.6

THE ABOVE STYLED FOREGOING AND BELOW FORECOMING:

CORPORATE DISCLOSURE STATEMENT

WE HEREBY DISCLOSE THE FOLLOWING PURSUANT TO THIS COURT'S CORPORATE RULE:

1. THE NAME OF EACH PERSON, ATTORNEY, ASSOCIATION OF PERSONS, FIRM, LAW FIRM, PARTNERSHIP, AND CORPORATION THAT HAS OR MAY HAVE AN INTEREST IN THE OUTCOME OF THIS ACTION—INCLUDING SUBSIDIARIES, CONGLOMERATES, AFFILIATES, PARENT CORPORATIONS, PUBLICLY—TRADED COMPANIES THAT OWN 10% OR MORE OF A PARTY'S STOCK, AND ALL OTHER IDENTIFIABLE LEGAL ENTITIES RELATED TO ANY PARTY IN THIS CASE:

(A) LYNN GERALD, JR., RESPONDENT
(B) DIANA GOLDEN, RESPONDENT
(C) HARRY G. ADAMS, RESPONDENT
(D) COMMUNITY REDEVELOPMENT AGENCY CITY OF FOR MYERS, RESPONDENT
(E) UNIVERSAL PROPERTY AND CASUALTY INSURANCE COMPANY, RESPONDENT
(F) WILLIAM ARNIE, CLAIM EXAMINER, RESPONDENT
(G) RICHARD M. CAPALBO, RESPONDENT

(H) KENNETH D. EPSTEIN, RESPONDENT
(I) LINDA R. PRATT, RESPONDENT
(J) LARRY CAMPBELL, RESPONDENT
(K) ROSA S. ESTRADA, RESPONDENT
(L) MAMIE L. EDWARDS, PETITIONER
(M) LEROY KING, PETITIONER
(N) MAMIE LOU KING, PETITIONER

2. THE NAME OF EVERY OTHER ENTITY WHOSE PUBLICLY—TRADED STOCK, EQUITY, OR DEBT MAY BE SUBSTANTIALLY AFFECTED BY THE OUTCOME OF THE PROCEEDINGS:

   THE PETITIONERS MAMIE LOU EDWARDS KING AND LEROY KING IS UNAWARE OF ANY ADDITIONAL ENTITIES, APART FROM THOSE LISTED ABOVE, THAT MAY HAVE AN INTEREST IN THE OUTCOME OF THIS PROCEEDING.

3. THE NAME OF EVERY OTHER ENTITY WHICH IS LIKELY TO BE AN
   ACTIVE PARTICIPANT IN THE PROCEEDINGS, INCLUDING THE DEBTOR AND MEMBERS OF THE CREDITORS' COMMITTEE (OR TWENTY LARGEST UNSECURED CREDITORS) IN BANKRUPTCY CASES:

THE PETITIONERS MAMIE LOU EDWARDS KING AND LEROY KING, ARE UNAWARE OF ANY ADDITIONAL ENTITIES, APART FROM THOSE LISTED ABOVE, THAT MAY HAVE AN INTEREST IN THE OUTCOME OF THIS PROCEEDING.

4. THE NAME OF EACH VICTIM (INDIVIDUAL OR CORPORATE) OF CIVIL AND CRIMINAL CONDUCT ALLEGED TO BE WRONGFUL, INCLUDING EVERY PERSON WHO MAY BE ENTITLED RESTITUTION.

   A) LEROY KING, PETITIONER

B) LYNN RILEY, THE PURCHASER OF THE LEHIGH ACRES, FLORIDA PARCEL OF LAND FROM THE PETITIONER MAMIE L. EDWARDS
C) MAMIE LOU EDWARDS KING PETITONER

WE HEREBY CERTIFY THAT, EXCEPT AS DISCLOSED ABOVE, WE ARE UNAWARE OF ANY ACTUAL OR POTENTIAL CONFLICT OF INTERST INVOLVING THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THIS HONORABLE COURT, AND WE WILL AND SHALL IMMEDIATELY NOTIFY THE COURT IN WRITING ON LEARNING OF ANY SUCH CONFLICT.

RESPECTFULLY SUBMITTED

/s/
PRO SE PETITIONER
MAMIE LOU EDWARDS KING

RESPECTFULLY SUBMITTED

/s/
PRO SE PETITIONER
LEROY KING
936 SAINT LUKE STREET
BAINBRIDGE GEORGIA 39819
TELEPHONE: 1 229-248-4263

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FILIPOS V. SIDOVAR., 77F SUPP. 2d 636.637-638 (E.D. PA. 1999).....5

HELLSTROM V. UNITED STATES DEPT OF VETERANS AFFAIRS. 201 F.3d 94.97 (2d CIR. 2000)

HILLSBOROUGH INV. CO., V. WILCOX. 13SO. 2d 448 (1943).....5

HUGHES V. UNITED STATES. 11OF.3d 765. 767 (11TH CIR. 1997).....5

IN RE TOWERS FIN. CORP. NOTEHOLDER LITIG., 75 F. SUPP.2d 178.180-181 (S.D.N.Y. 1999)

102 SO.2d 154 (FLA. DIST. CT. 3RD 106S0.2d 411 (1958)

JONES V. AMERICAN EAGLE INC. CO., (1926) 91 FLA. 565, 108 SO.165.....4

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MILLER V. ROSENTHAL (1987.FLA.APP D2) 510 SO.2d 1127.12 FLW 1922.....4

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RE GOLUB (1987.BC.MD.FLA) 89BR230. 16BCD1016.....4

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SAWINSKI B. BILL CURRIE FORK, INC., 866F. SUPP. 1383.1385 (M.D. FLA. 1994).....5

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TEARDO V. TEARDO (1985.FLA.APP.D5)
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1065.1105 (11th CIR. 1994).....6

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AMENDMENT.....3

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IN THE

In the Supreme Court of the United States

No. 02-_____

Mamie L. Edwards, a/k/a
Mamie Lou King and
Leroy King,

Petitioners,

v.

Lynn Gerald, Jr. et al,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

FOR CASES FROM FEDERAL COURTS:

THE OPINION OF THE UNITED STATES COURT OF APPEALS APPEARS AT TAPPENDIX A TO THE PETITION AND IS UNPUBLISHED. THE OPINION OF THE UNITED STATES DISTRICT COURT,

MIDDLE DISTRICT OF FLORIDA APPEARS AT APPENDIX B TO THE PETITION AND IS UNPUBLISHED

JURISDICTION

FOR CASES FROM FEDERAL COURTS:
THE DATE ON WHICH THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT DECIDED MY CASE WAS JANUARY 13, 2003.

A TIMELY PETITION FOR REHEARING EN BANC DENIED BY THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT ON THE FOLLOWING DATE MARCH 7, 2003, AND A COPY OF THE ORDER DENYING REHEARING APPEARS AT APPENDIX H.

A TIMELY PETITION FOR REHEARING DENIED BY THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT ON THE FOLLOWING DATE MARCH 7, 2003 AND A COPY OF THE ORDER DENYING REHEARING APPEARS AT APPENDIX I.

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1254 (1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
THE UNITED STATES CONSTITUTION 1ST AMENDMENT THE RIGHT TO PETITION THE GOVERNMENT CONCERNING ONE'S GRIEVANCES ARE CONSIDRERED BASIC TO PERSONAL FREEDOM.

THE UNITED STATES CONSTITUTION 5TH AMENDMENT THAT NO PERSON CAN BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW.

THE UNITED STATES CONSTITUTION 8TH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT ARE FORBIDDEN.

THE UNITED STATES CONSTITUTION 13TH AMENDMENT PROHIBITS UNLAWFUL SLAVERY.

THE UNITED STATES CONSTITUTION 14TH AMENDMENT NO STATE MAY – DEPRIVE ANY PERSON OR LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW. NO STATE MAY – DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW.

WEITNER V. UNITED STATES, 309 F. 2D. 45 (5TH CIR. 1962). HOMESTEAD UNDER FLORIDA CONSTRITUTION WAS DESIGNED TO PROTECT HEAD OF FAMILY BY SECURING TO HIM SHELTER FOR HIMSELF AND MEMBERS OF HIS FAMILY.

BUTTERWORTH V. CAGGIANO, 605 SO. 2D 5617 FLA. L. WEEKLY 5448, A.L.R. 5TH 1118 (FLA. 1992). THE SUPREME COURT OF FLORIDA RULED YOU CAN NOT HAVE A FORCED SALE OF HOMESTEAD EXEMPTED PROPERTY FOR DEBT.

JONES V. AMERICAN EAGLE, INC. CO., (1926) 91 FLA.565, 108 SO, 165. HUSBAND HAS NO AUTHORITY TO PLEDGE OR MORTGAGE SUCH AS PROPERTY WITHOUT BEING JOINED BY THE WIFE.

RE GOLUB (1987, BC. MD. FLA) 80 BR 230, 16 BCD 1016. MILLER V. ROSENTHAL (1987, FLA. APP D2) 510 SO. 2D 1127, 12 FLW 1922; PROPERTY OWNED AS A TENANCY BY THE ENTIRETIES CANNOT BE MADE AVAILABLE TO ANSWER FOR THE DEBTS OF ONE OF THE TENANTS INDIVIDUALLY. TEARDO V. TEARDO (1985 FLA. APP. D50 461 SO. 2D 276, 10FLW 114; ANTUNA V. DAWSON (1984, FLA APP D4) 459 SO. 2D 1114, 9FLW 2435.

THE STATE OF FLORIDA STATUTE 817.40
THE STATE OF FLORIDA STATUTE 817.41
THE STATE OF FLORIDA STATUTE 624.422
THE STATE OF FLORIDA STATUTE 624.423
THE STATE OF FLORIDA STATUTE 817.411
THE STATE OF FLORIDA STATUTE 34.01

CF. FILIPOS V. SIDOVAR. 77 F. SUPP. 2D 636, 637-638 (E.D. PA. 1999).

CERNIGLIA V. DAVISON CHEMICAL COMPANY, 145 SO. 2D 254 (FLA. 2D DCA 1962).

SPITZER V. BRANNING, 135 FLA 49, 184 SO 770 (1938).
IN RE WEISS' ESTATE, 102 SO. 2D 154 (FLA. DIST. CT. 3RD DIST. 1958) CERT. DISCHARGED, 106 SO. 2D 411 (1958).

RACE V. MOSELY, 308 SO. 2D 137 (FLA. DIST. CT. APP. 2D DIST. 1975).

HILLSBOROUGH INV. CO. V. WILCOX, 13 SO. 2D 448 (1943).

HUGHES V. UNITED STATES, 110 F. 3D 765, 767 (11TH CIR. 1997).

BROWN V CRAWFORD COUNTY, GA, 960 F. 2D 1002, 1010 (11TH CIR. 1992).

SAWINSKI V. BILL CURRIE FORD, INC., 866 F. SUPP. 1388, 1385 (M.D. FLA. 1994) CITING SCHEUER V. RHODES, 416 U.S. 232, 236 (1974).

YAKUS V. UNITED STATES, 321 U.S. 414 (1944).

UNITED STATES V. DIAZ, 248 F. 3D 1065, 1105 (11TH CIR. 1994).

STATEMENT OF THE CASE

THIS CAUSE OF ACTION ARISES IN AND OUT BROWARD COUNTY, STATE OF FLORIDA.
THE PETITIONER LEROY KING, PER SE, PURCHASED FROM RESPONDENT KENNETH D. EPSTEIN THE CAR IN QUESTION, IN VERY GOOD FAITH, BASED SOLELY ON HIS ADVERTISEMENT.

THE PETITIONERS FILED SUPPORTING EXHIBITS

THE PETITIONERS FILED MOTION TO STRIKE OUT.
THE PETITIONERS REPLY BRIEF TO HARRY G. ADAMS AND CRA CROSS-MOTION FOR SUMMARY JUDGMENT SHOULD BE DENIED.
THE PETITIONERS FILED MOTION WITH LEGAL CAUSE NOT TO DISMISS SECOND AMENDED COMPLAINT AND MEMORANDUM OF LAW IN SUPPORT THERE TO AND THEREOF SAME.
COURT'S ORDER DATED JUNE 18, 2001 AM 9:08 THE PETITIONERS FILED MOTION FOR RELIEF FROM FINAL JUDGMENT OR ORDER.

COURT'S ORDER DATED 02 MAY 14 PM 3:10

TO PREVENTS REPETITIOUS, THE PETITIONERS ARE HALTING HERE, WITH THE EXCEPTION OF THIS ORDER, RECEIVED TODAY, FROM THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT – DATED MAY 8, 2003 – IS MADE A PART HEREOF, BY THE PETITIONERS AS APPENDIX – 00- CONSISTENT OF (19TH PAGES).

REASONS FOR GRANTING THE PETITION

THE UNITED STATES COURT OF APPEALS, FOR THE ELEVENTH CIRCUIT HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF THE UNITED STATES COURT OF APPEALS, FOR THE FIFTH CIRCUIT ON THE SAME IMPORTANT MATTER.

THE UNITED STATES COURT OF APPEALS, FOR THE ELEVENTH CIRCUIT HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH A DECISION BY THE SUPREME COURT OF THE STATE OF FLORIDA, OF LAST RESORT.

THE UNITED STATES COURT OF APPEALS, FOR THE ELEVENTH CIRCUIT HAS CONFLICTED AND HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS OF ITS OWNED RULING.

THE PETITIONER LEROY KING IS A NAÏVE, 66 YEARS OF AGE AND STOP SCHOOLING IN THE SEVETH GRADE, MINORITY CITIZEN, AND PETITIONER MAMIE LOU EDWARDS KING IS A NAÏVE, 56 YEARS OF AGE AND STOP SCHOOLING IN THE TENTH GRADE, MINORITY OF CITIZEN.

THE PETITIONERS STATES THERE ARE OTHERS SIMILARY SITUATED MINORITY AND MAJORITY CITIZENS IN THE STATE OF FLORIDA AND THE STATE OF TEXAS, WITHOUT THE MEANS OF UNBIASED KNOWLEDGE WITH COMPREHENSION TO PREVENT LEVIES AND FORCED SALE OF THEIR, FREED OF MORTGAGE HOMESTEAD PROPERTY, IN THESE OR THOSE RESPECTIVE STATES.

PETITIONER SOLD HER PARCEL OF LAND IN LEHIGH ACRES, FLORIDA, MAY 23, 2000, TO MS. LYNN RILEY, AND RESPONDENT ROSA S. ESTRADA DEPUTY SHERIFF LEVIED ON AND SOLD THE SAME ON JULY 6, 2000.

THE SHERIFF OF LEE COUNTY, FLORIDA, GRANTORS: OF DEED, FILE NUMBER: 4945218, DATE/TIME: 08/21/2000 15:36:24, LEGAL: L 17, B3, U1, LEHIGH ACRES – MS. LYNN RILEY'S PARCEL OF LAND – TO GRANTEES: EPSTEIN KEN.

LEON COUNTY, FLORIDA'S SHERIFF LARRY CAMPBELL RESPONDENT, LEVIED ON AND SOLD THE PETITIONERS SON, DEMETRIUS JOHN EDWARDS PARCEL OF LAND TO MR. FRANK MARRONE.

THE PETITIONERS WERE DENIED ACCESS INTO THE LEE COUNTY FLORIDA CIRCUIT COURT, BY THE CIRCUIT COURT JUDGE AND HIS ASSISTANT.

THE PETITIONERS FILED THEIR COMPLAINT WITH AND IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION.

THE PETITIONERS HOMESTEAD EXEMPTED SINGLE FAMILY RESIDENTIAL WERE TOTALLY AND COMPLETLEY RENDERED USELESS BY FIRE ALLEGELY ON OR ABOUT APRIL 22, 2000.

THE PETITIONERS COMPLAINT WERE TRANSFERRED TO THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MEYERS DIVISION

THE PETITIONERS FILED MOTION TO THE CLERK OF COURT FOR ENTRY OF DEFAULT AGAINST ALL RESPINDENTS.

THE PETITIONERS FILED MOTION FOR JUDGMENTS AGAINST ALL RESPONDENTS.

THE PETITIONERS FILED SECOND AMENDED COMPLAINT.

THE PETITIONERS FILED FOR SUMMARY JUDGMENT.

THE PETITIONERS FILED SUPPORTING AFFIDAVITS.

THE PETITIONER STOP PAYMENT ON THE CHECK TO THE RESPONDENT, BECAUSE THE CAR IN QUESTION DID NOT LIVE UP TO RESPONDENT ADVERTISING.

RESPONDENT TAKEN THE PETITIONER TO BROWARD COUNTY, FLORIDA, COUNTY COURT.

BROWARD COUNTY, FLORIDA COUNTY COURT FINAL JUDGMENT, DONE AND ORDERED THIS 22ND DAY OF MARCH 1999.

BROWARD COUNTY, FLORIDA, COUNTY COURT ISSUED WRIT OF EXECUTION, WITNESS MY HAND AND THE SEAL OF THIS COURT ON OCT. 29, 1999.

RESPONDENT ROAS S. ESTRADA, DEPUTY SHERIFF OF LEE COUNTY, FLORIDA LEVIED ON AND SOLD PETITIONER'S HOMESTEAD EXEMPTED PROPERTY, ON FEBRUARY 23, 2000. UNDER THE SEAL OF THE COUNTY COURT OF LEE COUNTY, STATE OF FLORIDA, UNDER DATE OF OCTOBER 29, 1999.

THE UNITED STATES COURT OF APPEALS, FOR THE ELEVETH CIRCUIT HAS SANCTIONED SUCH A DEPARTURE BY THE LOWER COURT AS TO CALL FOR AN EXERCISE OF THE COURT'S SUPERVISORY POWER.

THE PETITIONERS WIT HTHE ABOVE STYLED FOREGOING SHOWS WHY THE DECISION OF THE UNITED STATES COURT OF APPEALS FRO THE ELEVENTH CIRCUIT MAY BE AND IS ERRONEOUS, ACCORDINGLY TO THIS COURT'S RULING.

THE PETITIONERS SHOWS THE FORECOMING WHY IT IS NATIONAL IMPORTANCE OF AND FOR HAVING

THE SUPREME COURT DECIDE THE QUESTION INVOLVED.

THE PETITIONERS STATES THAT, PROVIDING THAT, HONORABLE COURT ACCEPTS OUR PETITION FOR WRIT OF CERTIOARI IT WILL AND SHALL PLACE A STOPPAGES TO FORCING AND SPOUSE TO BE ACCOUNTABLE FOR THE OTHER SPOUSE – DEBT – WHEN SHE OR HE, DID NOT CO-SIGNED FOR THE SAME, DID NOT MAKE AN ORAL CONTRACT ON THE SAME WITH THE SPOUSE AND/OR DID NOT KNOW OF THE TRANSATION. THERE ARE SIMILARY SITUATED, OTHERS NEED OF HELP.

THE PETITIONERS STATES THERE ARE OTHERS SIMILARY SITUATED WHERE THEIR PARCEL OF LAND ARE LEVIED ON AND FORCED SALE OF, TO SATISFIES ANOTHER'S DEBT.

THE PETITIONERS STATES THE ADVERSARIES SHOULD NOT – BE VIOLATES OF THE LAWS – HOPING THE VIOLATED PERSON OR PERSONS WON'T FIND OUT HE OR SHE HAS BEEN VIOLATED AND BOTH SEEKS REDRESS BY LEARNING HOW TO – THERE ARE OTHERS SIMILARY SITUATED.

THE PETITIONERS STATES, WE, HAS LEARNED THE VERY HARD WAYS, THAT THERE ARE SOME ADVERTISEMENT, THAT ARE UNFOUNDED AND/OR UNDFRIENDLY, AND THERE ARE OTHERS LIKE THE PETITIONERS IN SIMILARY SITUATION TOO, WE ARE IN NEED OF ASSISTANCE FROM THE SAME.

CONCLUSION

FOR THE ABOVE STYLED FOREGOING REASONS, THIS PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED

/s/
MAMIE LOU EDWARDS KING
PRO SE PETITIONER
936 SAINT LUKE STREET
BAINBRIDGE, GA 39819
TELEPHONE 1- 229- 248-4263

/s/
LEROY KING
936 SAINT LUKE STREET
BAINBRIDGE, GA 39819
TELPEHONE 1-229-248-4263

SWORN AND SUBSCRIBED TO BEFORE ME THE NOTARIAL THIS 12TH DAY OF MAY 2003, A.D.

/s/_____
NOTARIAL

No._____

In the Supreme Court of the United States

Mamie L. Edwards, a/k/a
Mamie Lou King and
Leroy King,

Petitioners
Versus
Lynn Gerald, Jr. et al,
Respondents

PROOF OF SERVICE

WE, MAMIE LOU EDWARDS KING AND LEROY KING, DO SWEAR OR DECLARE THAT ON THIS DATE MAY 12, 2003, AS REQUIRED BY SUPREME COURT RULE 29 WE HAVE SERVED THE ENCLOSED PETITION FOR A WRIT OF CERTIORARI ON EACH PARTY TO THE ABOVE PROCEEDING OR THAT PARTY'S COUNSEL, AND ON EVERY OTHER PERSON REQUIRED TO BE SERVED, BY DEPOSITING AN ENVELOPE CONTAINING THE ABOVE DOCUMENTS IN THE UNITED STATES MAIL PROPERLY ADDRESSED TO EACH OF THEM AND WITH FIRST-CLASS POSTAGE PREPAID.

THE NAMES AND ADDRESSES OF THOSE SERVED ARE AS FOLLOWS:

NANCY W. GREGOIRE, ESQ., 888 EAST LAS OLAS BLVD, 4TH FLOOR FORT LAUDERDALE, FLORIDA 33301, PHONE # 954-761-8600.

M. BRIAN CHEFFER, ESQ., 2320 FIRST STREET FORT MYERS, FLORIDA 33901, #239-337-3850.

WILLIAM R. WATERS, JR., ESQ., POST OFFICE BOX 37400, TALLAHASSEE, FLORIDA 32315, TELEPHONE 850-422-0282.
CONAL DOYLE, ESQ., POST OFFICE BOX 1438 TAMPA, FLORIDA 33601.
PHILIP JAY SPENGLER, II, ESQ., ATTORNEY GENERAL'S OFFICE, ONE MACK CENTER, SUITE 775, 501 E. KENNEDY BLVD. TAMPA, FL 33602.
HON. LINDA R. PRATT, COUNTY COURT JUDGE, BROWARD COUNTY COURTHOUSE 201 S. E. 6TH STREET, FORT LAUDERDALE FLORIDA 33301.
BEVERLY L. HAYES, ESQ., DIVISION OF LEGAL SERVICE, FLORIDA DEPARTMENT OF INSURANCE 612 LARSON BLDG. 200 EAST GAINES, STREET TALLAHASSEE, FLORIDA 32399-0333.
GERALD W. PIERCE, ESQ. 2222 SECOND STREET, FORT MYERS, FLORIDA 33901.

WE DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON MAY 12, 2003 A.D.

/s/_____
MAMIE LOU EDWARDS KING

/s/_____
LEROY KING

No. _____

In the Supreme Court of the United States

Mamie L. Edwards, a/k/a
Mamie Lou King and
Leroy King,

Petitioners
Versus
Lynn Gerald, Jr. et al,
Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI MOTION TO DISPENSE WITH THE REQUIREMENT OF A JOINT APPENDIX

MAMIE LOU EDWARDS KING – AND – LEROY KING
936 SAINT LUKE STREET
BAINBRIDGE, GEORGIA 39819
TELEPHONE: 1-229-248-4263

No. _____

In the Supreme Court of the United States

Mamie L. Edwards, a/k/a
Mamie Lou King – and –
Leroy King,

Petitioners
Versus
Lynn Gerald, Jr. et al,
Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

MOTION TO DISPENSE WITH THE REQUIREMENT OF A JOINT APPENDIX

COMES NOW THE PRO SE PETITIONERS MAMIE LOU EDWARDS KING – AND – LEROY KING PURSUANT TO THE SUPREME COURT OF THE UNITED STATES RULES, RULE 26.(7)(8). PRESENTS TO THE HONORABLE COURT AND/OR CLERK OF COURT – OUR – MOTION TO DISPENSE WITH THE REQUIREMENT OF A JOINT APPENDIX – FOR THE FOLLOWING CAUSE FORECOMING:

1. THE PETITIONERS ARE NOT SEEKING MERCY AT THE VERY EXPENSES

OF CLEAR CUT JUSTICE.

2. THE HONORABLE COURT RULE 26.(2), THE RECORD IS ON FILE WITH
THE CLERK AND AVAILABLE TO THE JUSTICES, AND COUNSEL MAY

REFER IN BRIEFS AND IN ORAL ARGUMENT TO RELEVANT PORTIONS

OF THE RECORD NOT INCLUDED IN THE JOINT APPENDIX.

3. THE PETITIONERS HAVE INVESTED OVER $1,750.00 DOLLARS TO GET
OUR PETITION FOR A WRIT OF CERTIORARI TO THIS HONORABLE COURT

PROPERLY.

4. THE PETITIONERS APPENDICES WITH THEIR PETITION FOR A WRIT OF CERTIORARI UNFOLDS A PURE PRIMA FACIE CASE WITH PRIMARY EVIDENCE – UNOPPOSED – IN ACCORDED WITH GOVERNANCE OF LAW.

5. THE PETITIONERS REQUESTED THAT THE RESPONDENTS SUPPORTS THIS

HERE MOTION TO THE HONORABLE COURT, HERE AND NOW.

CONCLUSION

WE, THE PETITIONERS FOR SAFETY SAKES ARE FILING 40 COPIES HEREOF WITH THIS HONORABLE COURT AND THERE TO WITH PRAYETH FOR THE ABOVE CLAIMED RELIEF, OF WHICH, ALSO, WILL

GREATLY, AID OTHERS IN SIMILARLY SITUATION, AS WE ARE.

YOUR HONOR AND/OR CLERK OF COURT, FOR THE ABOVE STYLED FOREGOING REASONS THIS MOTION TO DISPENSE WITH THE REQUIREMENT OF A JOINT APPENDIX, SHOULD BE GRANT.

RESPECTFULLY SUBMITTED

/s/_____
MAMIE LOU EDWARDS KING
PRO SE PETITIONER
936 SAINT LUKE STREET
BAINBRIDGE, GEORGIA 39819
TELEPHONE: 1-229-248-4263

RESPECTFULLY SUBMITTED

/s/_____
LEROY KING
PRO SE PETITIONER
LEROY KING
936 SAINT LUKE STREET
BAINBRIDGE, GEORGIA 39819

SWORN AND SUBSCRIBED TO BEFORE ME, THE NOTARIAL THIS _____ DAY OF _____ 2003 A.D.

/S/
NOTARIAL

No. _____

In the Supreme Court of the United States

Mamie L. Edwards, a/k/a
Mamie Lour King and
Leroy King,

Petitioners
Versus
Lynn Gerald, Jr. et al,
Respondents

PROOF OF SERVICE

WE, MAMIE LOU EDWARDS KING, AND LEROY KING, DO SWEAR OR DECLARE THAT ON THIS DATE JUNE 2ND 2003, AS REQUIRED BY SUPREME COURT RULE 29 WE HAVE SERVED THE ENCLOSED MOTION TO DISPENSE WITH THE REQUIREMENT OF A JOINT APPENDIX ON EACH PARTY TO THE ABOVE PROCEEDING OR THAT PARTY'S COUNSEL, AND ON EVERY OTHER PERSON REQUIRED TO BE SERVED, BY DEPOSITING AN ENVELOPE CONTAINING THE ABOVE DOCUMENTS IN THE UNITED STATES MAIL PROPERLY ADDRESSED TO EACH OF THEM AND WITH FIRST-CLASS POSTAGE PREPAID.

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HON. LINDA R. PRATT, COUNTY COURT JUDGE, BROWARD COUNTY COURTHOUSE, 201 S.E. 6TH STREET, FORT LAUDERDALE, FLORIDA 33301.
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GERALD W. PIERCE, ESQ., 2222 SECOND STREET, FORT MYERS, FLORIDA 33901.

WE, THE PETITIONERS, MAMIE LOU EDWARDS KING – AND – LEROY KING, DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON AND IN JUNE 2ND 2003 A.D.

RESPECTFULLY SUBMITTED

MAMIE LOU EDWARDS KING
PRO SE PETITIONER

LEROY KING
PRO SE PETITIONER